

Docket No. 030186U2

Serial No. 10/770,878

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIGURE 4. This sheet, which includes FIGURE 4 replaces the original sheet including FIGURE 4.

A separate copy of FIGURE 4 showing redlined changes is attached.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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REMARKS/ARGUMENTS

Claims 1-12 are pending in the application. Applicant amends claims 1-6 and adds new claims 8-12. Applicant respectfully requests reconsideration and allowance of all pending claims.

Discussion of Objections to the Drawings

The drawings were objected to for failing to show elements 401a, 401b, 401c, 401d, and 403 in FIGURE 4, as described in the specification.

Applicant amends FIGURE 4 to correct the reference designators to correspond to the description at paragraphs [1027] and [1028]. In particular, the four instances of reference numeral "401" were revised to illustrate "401a", "401b", "401c", and "401d". Applicant believes that the specification is clear that reference identifiers 401a, 401b, 401c, and 401d refer to the vertical lines extending from blocks identified, respectively, with 303, 305, 107, and 105. Additionally, the typographic error to the arrow from the LBS application to the Position Location Engine has been changed from "405" to "403" to conform to the specification, at paragraph [1028].

No new matter is added with the amendment to the drawings. Applicant respectfully requests withdrawal of the objections to the drawings in light of the amendments to FIGURE 4.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 20040242209 to Kruis et al. (hereinafter Kruis) in view of U.S. Patent No. 6,138,003 to Kingdon et al. (hereinafter Kingdon).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations.

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Applicant contends that the references, either alone or in combination, fail to teach or suggest every claimed feature. Applicant also contends that there is no motivation to combine or modify the teachings of the references in a manner that would result in Applicant's claimed invention.

Claim 1 recites a method for authenticating an application run on a mobile station. The method includes "attempting to run a Location Based Service (LBS) application on the mobile station." The claim recites a LBS application and does not refer to an application exclusive of location service. *Kruis*, in contrast, relates to self-provisioning in a mobile communication device. As explained in *Kruis*, the provisioning process relates to initial activation of a newly purchased mobile device or adding, removing, or modifying mobile device related services offered by a network operator. *Kruis*, at Col. 1, paragraphs [0002]-[0003] and paragraph [0007].

Kruis fails to teach or suggest a location based service application running on a mobile station, in part, because *Kruis* is not concerned with LBS applications. As such, *Kruis* does not describe any request to authenticate the LBS application. *Kruis* also has no discussion of a Mobile Positioning Center (MPC). The Examiner concedes that *Kruis* fails to describe communicating with the MPC, but contends that *Kingdon* teaches the claimed feature.

The Examiner cites to *Kingdon*, Col. 4, ll. 59-61, where *Kingdon* describes verifying the identity of a requesting agency and the authority of that agency. However, this portion of *Kingdon*, and *Kingdon* in general, does not describe the claimed feature of communicating with the MPC.

In claim 1, the LBS application is the application run on the mobile station. Claim 1 includes "communicating directly with a mobile positioning center (MPC) in order to have the MPC fulfill the request *for authentication of the LBS application*." (*emphasis added*). Neither *Kruis* nor *Kingdon* describes any element, or more particularly an MPC, that authorizes the LBS application *running on the mobile station*.

Kingdon describes verifying an identity and authority of a third party agency that is requesting the location of a mobile device. Such a third party agency can be, for example, a law enforcement agency or an emergency center. *See, Kingdon*, Col. 5, ll. 5-6. Thus, the portion of *Kingdon* relied upon by the Examiner does not refer to an application running on a

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mobile station, and does not even refer to an application. Instead, the portion refers to a requesting agency, such as a law enforcement agency.

Therefore, claim 1 is believed to be allowable at least for the reason that the references, whether alone or in combination, fail to teach or suggest every claimed feature.

Additionally, there is no motivation to combine the teachings of Kruis with Kingdon. Kruis relates to system provisioning of a mobile device and Kingdon relates to authorizing position location on a mobile terminal. There is nothing to suggest that the two are in any way related. For example, Kruis makes no mention or suggestion of communicating with a MPC, and Kingdon fails to relate position location with system provisioning. Thus, there is no motivation to combine the teachings of Kruis with Kingdon. Applicant respectfully requests reconsideration and allowance of claim 1 for this reason independent of any other reasons for allowability.

Claims 2-7 depend, either directly or indirectly, from claim 1 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 2-7.

Discussion of Provisional Obviousness-Type Double Patenting

Claims 1-7 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Application No. 10/769,420 (the '420 application) in view of Kruis.

Applicant notes that the claims in the '420 application were amended in the Preliminary Amendment, dated April 26, 2005. The Preliminary Amendment amends the claims in a manner that makes the claims different from the instant claims in numerous aspects.

The amendment to the claims of the '420 application are believed to overcome the provisional rejection under the judicially created doctrine of obviousness-type double patenting. In particular, the claims in the '420 application are directed to authorization of an application. The instant claims are directed to authenticating a LBS application.

As discussed earlier, Kruis does not describe an LBS application, but in contrast, describes system provisioning. Additionally, there is nothing in Kruis that teaches or suggests modifying a method of authorization of an LBS application to perform application authentication.

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Applicant respectfully requests withdrawal of the rejection.

Discussion of New Claims

Applicant adds new claims 8-12. Support for the new claims can be found generally throughout Applicant's specification, as filed. For example, support for claim 8 can be found at Figures 3 and 4 and the associated description at paragraphs [1019] and [1028] through [1034]. Support for claims 9 and 12 can be found, for example, at paragraph [1052]. Support for claim 10 can be found, for example, at paragraph [1040]. Support for claim 11 can be found, for example, at paragraph [1031].

Applicant respectfully requests allowance of new claims 8-12.

CONCLUSION

Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

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Respectfully submitted,

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